

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KERRY LEE THOMAS,

Plaintiff,

v.

Case No. 4:23-cv-00662

ROBERT JOHNSON,
ERIC M. BRUSS,
WAYNE SCHULTZ,
and THE ESTATE OF ROBERT JOHNSON,

Defendants.

[CONSENT PROPOSED] SCHEDULING AND DOCKET CONTROL ORDER

The disposition of this case will be controlled by the following schedule:

- | | |
|-----------------------------|---|
| 1. <u>November 10, 2023</u> | PLAINTIFF’S EXPERT DISCLOSURES ON
MATTERS OTHER THAN ATTORNEYS’ FEES
The plaintiff (or the party with the burden of proof on an issue) will designate expert witnesses in writing and provide the report required by Rule 26(a)(2) of the Federal Rules of Civil Procedure. |
| 2. <u>December 15, 2023</u> | DEFENDANTS’ EXPERT DISCLOSURES ON
MATTERS OTHER THAN ATTORNEYS’ FEES
The opposing party will designate expert witnesses in writing and provide the report required by Rule 26(a)(2) of the Federal Rules of Civil Procedure. |
| 3. <u>January 15, 2024</u> | MEDIATION
Mediation or other form of dispute resolution must be completed by this deadline. |
| 4. <u>January 19, 2024</u> | COMPLETION OF DISCOVERY, SUBJECT TO
EXCLUSIVE EXCEPTION BELOW
Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil |

Procedure the response would not be due until after the deadline.

5. January 26, 2024 **COMPLETION OF DISCOVERY EXCLUSIVELY ON MATTERS ARISING FROM PLAINTIFF'S DEPOSITION(S) OF DEFENDANTS' EXPERT(S)**
Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the deadline.
6. January 29, 2024 **MOTION FOR SUMMARY JUDGMENT DEADLINE**
7. March 4, 2024 **PRETRIAL DISCLOSURES DEADLINE**
8. March 29, 2024 **JOINT PRETRIAL ORDER AND MOTION IN LIMINE DEADLINE**
The Joint Pretrial Order will contain the pretrial disclosures required by Rule 26(a)(3) of the Federal Rules of Civil Procedure. Plaintiff is responsible for timely filing the complete Joint Pretrial Order. Failure to file a Joint Pretrial Order timely may lead to dismissal or other sanction in accordance with the applicable rules.
9. April 5, 2024 **DOCKET CALL**
Docket Call will be held at 8:30 a.m. in Courtroom 11-B, United States Courthouse, 515 Rusk, Houston, Texas. No documents filed within 7 days of the Docket Call will be considered. Pending motions may be ruled on at docket call, and the case will be set for trial as close to the docket call as practicable.
10. Additional orders relating to disclosures, discovery, or pretrial motions:

Any party wishing to make any discovery motions should arrange for a pre-motion conference with the court before the preparation and submission of any motion papers. That includes a motion to compel, to quash, or for protection. Email Mrs. Eddins at Lisa.Eddins@txs.uscourts.gov or fax her at 713-250-5213 to arrange for a pre-motion conference. Notify your adversary of the date and time for the conference. The parties agree to submit attorney's fees issues to the court by affidavit after liability and damages are resolved.

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Signed on _____, at Houston, Texas.

Hon. Lee H. Rosenthal
Chief United States District Judge